

Remarks

The Office Action dated October 2, 2005 has been carefully reviewed and the foregoing amendment is submitted in consequence thereof.

Claims 1-18 are now pending in this application, of which claims 1, 2 and 3-11 have been amended and of which claims 12-18 are newly added. It is respectfully submitted that the pending claims define allowable subject matter.

The objection to the drawings is respectfully traversed.

The drawings were objected to for not including reference signs 304, 401 and 451. The reference to the sign "304" on page 15 was a typographical error and has now been corrected. Contrary to the assertion otherwise in the Office Action, the sign "401" is found in Figure 3A. The sign "451" has now been deleted from the specification, rendering the objection on that ground moot.

Applicants accordingly request that the rejection to the drawings be withdrawn.

The objection to the disclosure is respectfully traversed. The specification has been amended to include descriptions of Figures 2A, 2B, 3A, 3B, 4A, 4B, 5A, and 5B, as well as to correct other clerical errors in the specification. Applicants accordingly request that the objection to the specification be withdrawn.

The rejection of claims 1-11 under 35 U.S.C. § 112, second paragraph, is respectfully traversed. The claims have been amended for clarity and are now believed to satisfy § 112, second paragraph. Applicants accordingly request that the objection to claims 1-11 be withdrawn.

The rejection of claims 1 and 6 under 35 U.S.C. § 103(a) as being unpatentable over Saling (U.S. Patent No. 2,110,617) is respectfully traversed.

Claim 1 recites a piece of luggage comprising a first frame having a perimeter and an open side, a second frame having a perimeter and an open side, a strip of flexible material attached to the perimeters of both of said frames such that said first frame and said second frame enclose a volume which can be increased by moving said second frame away from said first frame, and a first expansion mechanism, said first expansion mechanism comprising: “a protective plate attached to said first frame,” “an expansion plate attached to said second frame and coupled to said protective plate, said expansion plate and said protective plate configured for selective positioning relative to one another in a collapsed position wherein said first frame and said second frame are positioned a first distance from one another and in an expanded position wherein said first frame and said second frame are positioned a second distance from one another, said second distance being greater than said first distance,” and “a lifting mechanism coupled to said protection plate and to said expansion plate, said lifting mechanism configured to position the first frame and the second frame between the collapsed position and the extended position,” “wherein, in at least one intermediate position between said extended position and said collapsed position, said expansion plate is not in contact with said protective plate.”

Saling is cited as disclosing a telescoping container having frames (10) and (16), an expansion plate (20) and protective plate (23) with a lifting mechanism (30). A locking pin (26) engages perforations (22) in the member (20), and is asserted in the Office Action that “when the pin 26 is withdrawn the plates are not in contact at an intermediate position.” *See* Office Action dated August 2, 2005 page 5. Applicants respectfully traverse this assertion, and note that Saling describes that the guide bar (22) is slidably held in a channel formation (23), and that pin (26) automatically snaps into any of the perforations (22) of the guide bar (20) while “riding” over the bar (20). The pin (26) is carried on a leaf spring (24) secured to the channel (23). Because of the sliding engagement of the channel (23) and the guide bar (20), and further because the pin (26) rides on the guide bar (26) in a released position, Applicants respectfully submit that the

assertion in the Office Action that the members (20) and (23) are not in contact in an intermediate position when the pin is withdrawn is simply not correct.

Applicants submit that Saling discloses no more than what is disclosed in the "Background of the Invention" section of the present specification, namely an expander including a rigid sliding rail structure, and accordingly, the Saling expander suffers similar problems to those described in the present specification. As Saling neither recognizes such problems or discloses structure capable of solving them, Applicants respectfully submit that Saling is not suggestive of the present invention.

Claim 1 is therefore submitted to be patentable over Saling.

Claim 6 depends from claim 1, and when the recitations of claim 6 are considered in combination with the recitations of claim 1, claim 6 is likewise submitted to be patentable over Saling.

For the reasons set forth above, Applicants request the rejection of claims 1 and 6 be withdrawn.

The rejection of claims 1-6 and 11 under 35 U.S.C. § 103(a) as being unpatentable over Nechushtan (U.S. Patent No. 5,082,094) in view of Saling is respectfully traversed.

Nechushtan does not cure the deficiencies of Saling with respect to claim 1. The Office action cites Nechushtan for disclosing an expansion member having a protective plate portion (96) and an expansion plate portion (84) with a screw attachment member (94). It is clear, however, that the elements (94) and (96) of Nechushtan are slidably engaged to the element (84) to expand the case, and therefore, like Saling, Nechushtan fails to disclose, as claim 1 recites an expansion mechanism having a protective plate and an expansion plate, wherein, in at least one intermediate position between said extended position and said collapsed position, said expansion plate is not in contact with said protective plate. Nechushtan in view of Saling, collectively fails to teach at least this recitation of claim 1, in combination with the other features of claim 1.

Additionally, it is submitted that Nechushtan , like Saling, discloses no more than what is disclosed in the “Background of the Invention” section of the present specification, namely an expander including a rigid sliding rail structure, and accordingly, the Nechushtan expander suffers similar problems to those described in the present specification. As Nechushtan in view of Saling neither recognizes such problems or discloses structure capable of solving them, Applicants respectfully submit that Nechushtan in view of Saling is not suggestive of the present invention.

Claim 1 is therefore submitted to be patentable over Nechushtan in view of Saling.

Claims 2-10 depend from claim 1, and when the recitations of claims 2-10 are considered in combination with the recitations of claim 1, claims 2-10 are likewise submitted to be patentable over Nechushtan in view of Saling.

Moreover, the release of the expansion plate as recited in claim 2, the interfering opening recited in claim 4, the protective plate supporting the expansion plate as recited in claim 5, the tabs recited in claims 7 and 8, and the lift mechanisms recited in claims 9 and 10 are nowhere disclosed or suggested by Nechushtan in view of Saling.

Claim 11 recites a luggage expansion mechanism comprising “a protective plate defining an opening at a top edge thereof,” “an expansion plate received in said opening and selectively positionable relative to said protective plate from a collapsed position to an extended position and back again,” and “a rotational lifting mechanism, secured between the protective plate and the expansion plate, said lifting mechanism arranged so that rotation of said lifting mechanism causes said expansion plate to move relative to said protective plate,” “wherein, said expansion plate is resiliently detained in said extended position by said lifting mechanism, thereby releasing said extension plate from the extending position and allowing the extension plate to move relative to the protective plate without damage to said luggage mechanism when subjected to a predetermined force when positioned in the extended position.”

Nechushtan in view of Saling neither describe nor suggest the expansion mechanism of claim 1. In fact, neither of the references disclose, in combination with the other recitations of claim 1, a rotational lifting mechanism secured between a protective plate and an expansion plate” or an expansion mechanism wherein an expansion plate is resiliently detained in an extended position by a lifting mechanism, thereby releasing the extension plate from the extending position and allowing the extension plate to move relative to the protective plate without damage to said expansion mechanism when subjected to a predetermined force when positioned in the extended position.” Rather, as noted above, each of Nechushtan and Saling disclose rigid sliding expanders that are rigidly locked in place without a release feature, and that are therefore vulnerable to damage when subjected to external forces when expanded.

Claim 11 is therefore submitted to be patentable over Nechushtan in view of Saling.

For the reasons set forth above, Applicants request the rejection of claims 1-6 and 11 be withdrawn.

The rejection of claims 1 and 4-10 under 35 U.S.C. § 103(a) as being unpatentable over Payntar (U.S. Patent No. 440,278) in view of Saling is respectfully traversed.

Payntar describes a metallic expander for a telescoping case with automatic locking of the sections of the case when telescoped one within the other. Payntar is not believed to cure the deficiencies of Saling with respect to claim 1. The Payntar mechanism includes sliding components that are always in contact with one another, as opposed to the intermediate position recited in claim 1 wherein the expansion plate and the protective plate are not in contact.

Like Saling and Nechushtan, Payntar describes a rigid, interlocking sliding rail structure, and accordingly, the Payntar expander suffers similar problems to those described in the present specification. As Payntar in view of Saling neither recognizes such problems or discloses structure capable of solving them, Applicants respectfully submit that Nechushtan in view of Saling is not suggestive of the present invention.

Claim 1 is therefore submitted to be patentable over Payntar in view of Saling.

Claims 4-10 depend from claim 1, and when the recitations of claims 4-10 are considered in combination with the recitations of claim 1, claim 4-10 are likewise submitted to be patentable over Payntar in view of Saling.

Moreover, the interfering opening recited in claim 4, the protective plate supporting the expansion plate as recited in claim 5, the tabs recited in claims 7 and 8, and the lift mechanisms recited in claims 9 and 10 are nowhere disclosed or suggested by Nechushtan in view of Saling.

For the reasons set forth above, Applicants request the rejection of claims 1-6 and 11 be withdrawn.

With respect to the newly added dependent claims 12-18, it is respectfully submitted that when the recitations of claims 12-18 are considered in combination with the recitations of claim 11, claims 12-18 are likewise submitted to be patentable over the cited art.

Moreover, the pushing pin and slot recited in claims 12-15, the tabs recited in claim 16, and the float recited in claim 18 is not found in the cited art.

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In view of the foregoing amendments and remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully Submitted,



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